IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 12256 of 2004

Between:

Sri Chintapalli Surappadu, S/o Late Narayana,
Polipalli village, Bogapuram Mandal, Vizianagaram District.

..... PETITIONER

AND

1 The District Collector, Vizianagaram.
2 The Divisional Panchayat Officer, Vizianagaram.
3 The District Medical and Health Officer, Vizianagaram
4 The Savaravalli Grampanchayat, rep. by its Panchayat Secretary,
Bhogapuram Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, directing the Respondent Authorities 1 to 3 to pass orders on the representation filed by the petitioner dated 26-2-2004 and to issue consequential directions directing the respondent authorities to issue permission to commence the Rice Mill in accordance with the law .

Counsel for the Petitioner:Mr.Venkateswara Rao Gudapati,Advocate

Counsel for the Respondent Nos.1&2: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.

Counsel for the Respondent No.3: GP FOR MEDICAL AND HEALTH

Counsel for the Respondent No.4:Mr. D. Srinivas, SC for Savaravalli Grampanchayat

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Panchayat Raj and Rural Development, Learned Government Pleader for Medical and Health and learned Standing Counsel for fourth respondent-Gram Panchayat, and at their request the writ petition itself is taken up for final disposal at the admission stage.

In this writ petition, the petitioner seeks a direction to respondents 1 to 3 to pass orders on the representation submitted to them on 26-2-2004, for grant of permission to run the rice mill established by the petitioner.

It is alleged that with the permission granted by the fourth respondent-Gram Panchayat in proceedings dated 10-10-2001, the petitioner constructed a Rice Mill in Sarasavilli Gram Panchayat, Bhogapuram Mandal, Vizianagaram District, but the fourth respondent is not allowing the petitioner to run the rice mill for want of permission as contemplated under the provisions of Andhra Pradesh Public Health Act, 1939. According to the petitioner, he made several representations to respondents 1 to 3 for grant of permission to run the rice mill, but no action has been taken in the matter. It is submitted that even the villagers of Sarasavilli Gram Panchayat made a representation, in that regard, to the second respondent-District Panchayat Officer with copies marked to respondents 1 and 3 and others, for grant of permission to run the said rice mill, but the second respondent has not taken any action in the matter so far. Hence, the writ petition.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following directions:

Respondent Nos. 1 to 3 are directed to consider and dispose of the representation made by the petitioner for grant of permission to run the rice mill, keeping in view the ‘no objection’ expressed by the Villagers of Sarasavilli Gram Panchayat, Bhogapuram Mandal through their representation, dated 26-02-2004 for establishment of such a rice mill by the petitioner, in accordance with law, expeditiously.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 16-7-2004

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To

1 The District Collector, Vizianagaram.
2 The Divisional Panchayat Officer, Vizianagaram.
3 The District Medical and Health Officer, Vizianagaram
4 The Panchayat Secretary, Savaravalli Grampanchayat,
Bhogapuram Mandal, Vizianagaram District.

5 Two CCs. to Govt. Pleader for Panchayat Raj and Rural Development,
High Court Buildings, A.P., Hyderabad. (OUT)

6 Two CCs. to Govt. Pleader for Medical and Health, High Court
Buildings, A.P., Hyderabad (OUT)

7 Two CD copies.